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|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/751,996 | THEODORAS ET AL. | |
| | Examiner | Art Unit | |
| | Tuan N Nguyen | 2828 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 01/09/2004.
2. The allowed claim(s) is/are 1-22.
3. The drawings filed on 29 December 2000 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____.
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.


 Don Wong
 Supervisory Patent Examiner
 Technology Center 2800

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below, to the amended claims 1, 9, 14 discussed on April 12, 04. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no latter than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marc R. Ascolese (Attorney for Applicant, Reg. No. 42,268) on April 12, 04.

2. In the claims:

- a. Claim 1, line 8, after "range of temperatures" add -- by operating the thermo-electric cooler according to a non-linear transfer function --; and line 11, after "the laser diode" add --by operating the thermo-electric cooler according to a linear transfer function --
- b. Claim 9, line 6, after "range of temperatures" add -- by operating the thermo-electric cooler according to a non-linear transfer function, --; and line 8, after "the laser diode" add --by operating the thermo-electric cooler according to a linear transfer function --
- c. Claim 14, line 7, after "performance requirement" add –, and wherein the first mode corresponds to operating the thermo-electric cooler according to a non-linear transfer function, and the second mode corresponds to operating the thermo-electric cooler according to a linear transfer function --

REASON FOR ALLOWANCE

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance - Applicant's response filed on 01/09/2004 has been considered, with respect to claims 1, 9, 14 the references of the record fail to teach or suggest:

An apparatus comprising: means for operating a thermo-electric cooler coupled to a laser diode in one of a lower power mode and a standard mode; and means for switching between the lower power mode and the standard mode, wherein the lower power mode maintains the laser diode at a first temperature within a predetermined range of temperatures by operating the thermo-electric cooler according to a non-linear transfer function, and the standard mode maintains the laser diode at a second temperature that corresponds to a predetermined wavelength of light output from the laser diode by operating the thermo-electric cooler according to a linear transfer function.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

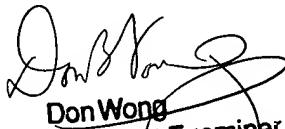
Communication Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N Nguyen whose telephone number is (571) 272-1948. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

Tuan N. Nguyen



Don Wong
Supervisory Patent Examiner
Technology Center 2800